MARINE MAMMAL COMMISSION

7 May 2012

Mr. Fred King, Chief
Leasing Section
Bureau of Ocean Energy Management
Alaska Outer Continental Shelf Region
3801 Centerpoint Drive, Suite 500
Anchorage, Alaska 99503-5823

RE: Comments on Proposed Cook Inlet Special Interest Lease Sale 244

Dear Mr. King:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the Bureau of Ocean Energy Management's 27 March 2012 notice announcing its request for interest for a proposed special-interest lease sale within the Cook Inlet planning area (77 Fed. Reg. 18260). The Commission provides the following recommendations and rationale.

RECOMMENDATIONS

In light of the continued decline of the Cook Inlet beluga whale population, the Marine Mammal Commission recommends that the Bureau of Ocean Energy Management defer the proposed lease sale until such time that the Bureau can, with reasonable confidence, confirm that the proposed activities are not likely to jeopardize the survival or recovery of the Cook Inlet beluga whale population. If, despite the uncertain risk to the population, the Bureau decides to conduct the lease sale, then the Marine Mammal Commission recommends that the Bureau of Ocean Energy Management restrict the lease sale to the southernmost portions of the Cook Inlet planning area.

RATIONALE

The National Marine Fisheries Service listed the Cook Inlet beluga whale population as endangered under the Endangered Species Act in October 2008 (73 Fed. Reg. 62919) and designated it as depleted under the Marine Mammal Protection Act in 2000. Stock assessment reports indicate a continuing decline of this population. The most recent abundance estimate was 284 animals (coefficient of variation=0.16), based on aerial surveys conducted in June 2011 (Hobbs et al. 2011). The population declined precipitously during the 1990s, primarily due to overharvesting, and it was expected to rebound after subsistence hunting was brought under control in 1999. Since then, subsistence hunters reportedly have taken only five whales, but the population has not grown as expected. In fact, it declined at an average rate of 1.1 percent per year between 2000 and 2011 (Hobbs et al. 2011). Furthermore, in 2008, National Marine Fisheries Service scientists estimated an 80 percent probability of further population decline (Hobbs and Shelden 2008). Information regarding this population's ecology, life history, and reproductive potential is limited and factors adversely affecting the population and its habitat have yet to be identified. However, oil and gas activities were among the factors identified by the National Marine Fisheries Service as possibly

contributing to the population's observed decline (National Marine Fisheries Service 2008). The population's viability is clearly at risk and it is essential to use extreme caution when considering any additional sources of potential disturbance.

Expansion of oil and gas activity in Cook Inlet could further threaten the beluga whale population and adversely affect its important habitat areas. The Bureau is more likely to find oil and gas reserves in the northern portion of the outer continental shelf Cook Inlet planning area (Minerals Management Service 2006), but beluga whales use adjacent coastal areas in the fall and winter, particularly for feeding. Because these areas are important to conservation of the population, the National Marine Fisheries Service included them in its designation of critical habitat for beluga whales in 2011 (76 Fed. Reg. 20180). Oil and gas exploration and development in beluga whale habitat have the potential to displace animals. Such displacement, combined with repeated or chronic exposure to drilling sounds, vessel activity, and other types of noise from oil and gas development, could have long-term impacts on the population's productivity and persistence.

The effects of oil and gas development may be exacerbated by other risk factors, including vessel traffic, coastal development, construction, toxic contaminants, noise disturbance, military operations, competition with fisheries for prey, habitat modification, waste discharges, and urban runoff. The National Marine Fisheries Service (2003) concluded that "a significant part of the habitat for this species has been modified by municipal, industrial, and recreational activities in Cook Inlet." Furthermore, considerable oil and gas activity is either ongoing or planned in upper Cook Inlet. Any additional exploration or development of oil and gas resources in Cook Inlet must consider the potential cumulative impacts of all human activities on the beluga whale population.

In light of the continued decline of the Cook Inlet beluga whale population, additional oil and gas development, when added to the existing baseline, poses potentially significant risks to the population. To avoid those risks, the Marine Mammal Commission recommends that the Bureau of Ocean Energy Management defer the proposed lease sale until such time that the Bureau can, with reasonable confidence, confirm that the proposed activities are not likely to jeopardize the survival or recovery of the Cook Inlet beluga whale population. If, despite the uncertain risk to the population, the Bureau decides to conduct the lease sale, then the Marine Mammal Commission recommends that the Bureau of Ocean Energy Management restrict the lease sale to the southernmost portions of the Cook Inlet planning area.

Please contact me if you have any questions concerning these recommendations and rationale.

Sincerely,

Timothy J. Ragen

Timothy J. Ragen, Ph.D.
Executive Director

cc: Jon Kurland, National Marine Fisheries Service

References

Hobbs, R.C., and K.E.W. Shelden. 2008. Supplemental status review and extinction assessment of Cook Inlet belugas (*Delphinapterus leucas*). Alaska Fisheries Science Center Processed Report 2008-08. Alaska Fisheries Science Center, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115, 76 pages.

Hobbs, R.C., C.L. Sims, and K.E.W. Shelden. 2011. Estimated abundance of belugas in Cook Inlet, Alaska, from aerial surveys conducted in June 2011. National Marine Fisheries Service, National Marine Mammal Laboratory, Seattle, WA, unpublished report, 7 pages.

Mineral Management Service. 2006. 2006 Oil and gas assessment: Cook Inlet Planning Area (Alaska) – Province Summary.

National Marine Fisheries Service. 2003. Subsistence harvest management of Cook Inlet beluga whales. Final Environmental Impact Statement. National Marine Fisheries Service, Anchorage, AK, 179 pages.

National Marine Fisheries Service. 2008. Conservation Plan for the Cook Inlet beluga whale (*Delphinapterus leucas*). National Marine Fisheries Service, Juneau, AK, 122 pages.